

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Consolidated Civil Action

RALEIGH WAKE CITIZENS ASSOCIATION, et al.)	
)	
)	
<i>Plaintiffs,</i>)	
)	No. 5:15-cv-156
<i>v.</i>)	
)	
WAKE COUNTY BOARD OF ELECTIONS,)	
)	
)	
<i>Defendant.</i>)	
<hr/>		
CALLA WRIGHT, et al.)	
)	
)	
<i>Plaintiffs,</i>)	
)	
<i>v.</i>)	No. 5:13-cv-607
)	
STATE OF NORTH CAROLINA, et al.)	
)	
)	
<i>Defendant.</i>)	
)	

JOINT MOTION TO ENTER CONSENT DECREE

Defendant Wake County Board of Elections (“WBOE”) and Plaintiffs respectively move the Court to enter the [Proposed] Consent Decree attached as Exhibit A for the reasons stated in its accompanying joint memorandum, including the following:

1. On August 9, 2016, the Court entered an Order imposing an interim judicial plan for elections for the Wake County Board of Education and the Wake County Board of Commissioners that was limited to the 2016 elections (“2016 Interim Plan”). The Court’s Order also expressed the expectation that the General Assembly would enact new districting plans when it returned to session in January 2017.

2. The General Assembly adjourned its business for 2017 without enacting new districting plans.

3. In light of the General Assembly's inaction, the parties agree through the [Proposed] Consent Decree that the extension of the Court's 2016 Interim Plan is sufficiently equitable to (a) assure timely and orderly elections for 2018, (b) reduce the risk of additional litigation and appeals regarding interim districts that would inject further uncertainty into the schedule for elections in 2018, (c) minimize judicial involvement, and (d) reserve room for the General Assembly to enact new districting plans at any time. Further, in connection with the submission of this [Proposed] Consent Decree, Plaintiffs have agreed to waive any present or future claims for attorneys' fees related to this matter.

4. The [Proposed] Consent Decree would extend the Court's 2016 Interim Plan until the General Assembly enacts new districts or the return of the 2020 decennial census.

5. Nothing in the [Proposed] Consent Decree constrains the General Assembly from duly enacting redistricting plans or other legislation affecting elections for the Board of Commissioners or Board of Education in 2018 or any future year.

6. The WBOE consulted with officials within the offices of the North Carolina State Board of Elections to confirm the WBOE's authority to enter into the [Proposed] Consent Decree to effectively extend the 2016 Interim Plan, subject to approval and entry of the [Proposed] Consent Decree by the Court.

WHEREFORE, the parties respectfully move this Court to enter the [Proposed] Consent Decree attached as Exhibit A.

Respectfully submitted, this the 4th day of December, 2017.

/s/ Charles F. Marshall

Charles F. Marshall
N.C. State Bar No. 23297
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601
Telephone: (919) 839-0300
Email: cmarshall@brookspierce.com

Counsel for Defendant

/s/ Allison J. Riggs, by permission

Allison J. Riggs
N.C. State Bar No. 40028
SOUTHERN COALITION
FOR SOCIAL JUSTICE
1415 W. Highway 54, Suite 101
Durham, NC 27707
Telephone: (919) 323-3380
Email: allison@southerncoalition.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

Allison J. Riggs
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380
Fax: 919-323-3942
allison@southerncoalition.org
Counsel for Plaintiffs

Respectfully Submitted,

/s/ Charles F. Marshall
Charles F. Marshall